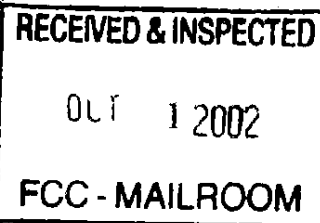


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)

Amendment of Section 73.622(b),)

Table of Allotments,)

Digital Television Broadcast Stations.)

(Montgomery, Alabama))

MB Docket No. 02-132

RM-10374

REPORT AND ORDER

(Proceeding Terminated)

Adopted: September 23, 2002

Released: September 27, 2002

By the Chief, Video Division:

1. At the request of joint petitioners, Alabama Educational Television Commission ("AETC"), licensee of noncommercial station WAIQ(TV), and LibCo, Inc. ("LibCo"), licensee of station WSFA(TV), both licensed to Montgomery, Alabama, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 10506 (2002). The *Notice* requested comments on AETC and LibCo request to substitute DTV channel *27 for DTV channel *14 as WAIQ-DT's paired DTV allotment and to substitute DTV channel 14 for DTV channel 57 as WSFA-DT's paired DTV allotment. AETC and LibCo filed comments and joint reply comments. No other comments were received.

2. AETC and LibCo state that the grant of their proposed channel changes would assist them with the DTV conversion. LibCo asserts that the channel changes permits both WSFA(TV) and WAIQ(TV) to improve digital service to their community of license and enable WSFA-DT to vacate the channels 52-59 band. The joint petitioners also state that because WAIQ-DT's proposed DTV channel *27 is adjacent to its NTSC channel *26, WAIQ-DT could share transmission equipment and facilities and could more easily transfer digital operations to channel *26 at the close of the DTV transition. AETC and LibCo also contend that grant of the proposed channel substitutions will achieve an efficient use of the broadcast spectrum and permit LibCo to assist AETC financially in its construction of WAIQ-DT. In reply comments, AETC and LibCo reaffirm their justification for the proposed channel changes and reiterate their desire and intent to construct and operate, WAIQ-DT on channel *27 and WSFA-DT on channel 14.

3. We believe the public interest would be served by adopting AETC and LibCo channel substitutions since it enables WSFA-TV to operate on a "core" channel, while affording WAIQ-DT the opportunity to increase its ERP, share equipment and receive some financial support. DTV channels 14 and *27 can be substituted for DTV channel 57 and *14 for station WSFA-DT and WAIQ-DT at Montgomery, Alabama, respectively, in compliance with the principle community coverage requirement of Section 73.625(a).¹ In addition, we find that the channel

¹ The coordinates for DTV channel 14 are 31-58-28 N. and 86-09-44 W. The coordinates for DTV channel *27 are 32-22-55 N. and 86-17-33 W.

changes are acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2). DTV channel *27 and DTV channel 14 are allotted with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
AL Montgomery	*27	750	183	522
AL Montgomery 714	14	600	530	

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 12, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Montgomery, Alabama	14, 16, *27, 46c, 51

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Alabama Educational Television Commission shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *27 in lieu of DTV Channel *14 for station WAIQ-DT.

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, LibCo, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 14 in lieu of DTV Channel 57 for station WSFA-DT.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau